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09/719,454	12/12/2000	Koji Kuchiishi	33193	8594

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EXAMINER

CHIANG, JACK

ART UNIT	PAPER NUMBER
2642	9

DATE MAILED: 03/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/719454

Applicant(s)

K. Kuchiishi

Examiner

J. Chiang

Group Art Unit

2642

#9

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE -3- MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 1-29-04.
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-4, 6-13 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-4, 6-13 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____ ☐ Interview Summary, PTO-413
- ☒ Notice of References Cited, PTO-892 ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948 ☐ Other _____

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NOTE: Newly added claim 7 should be started with numeral 8 (there was an original claim 7 filed on the application).

CLAIMS

112 First Paragraph Rejection

1. Claims 1-3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In claim 1, it claims "a waterproof rib formed of a soft material provided on the periphery of a joint surface of the upper and lower cases ...". This is questionable because "the rib" can only be on one case, not both the upper and lower cases.

Art Rejection

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claims 1-4, 6-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Otake (JP 6-268548).

Regarding claim 1, Otake shows a portable telephone unit (10) comprising:

A waterproof rib (55 or 11) formed of a soft material integrally provided on the periphery of a joint surface of one of the upper and lower cases (12) formed of hard material, The waterproof rib (55 or 11) is fitted into a waterproof groove (56 or 54), thereby to join the upper and lower cases water-tightly to each other.

Regarding claim 4, Otake shows a portable telephone unit (10) comprising:

Soft material (11, 21) that protrudes more than hard material (12, 22) formed on surfaces of upper and lower cases formed of the hard material, a portion of a surface (see 18 in fig. 1) of the soft material is corrugated to facilitate shock absorption.

Regarding claim 7, Otake shows a portable telephone unit (10) comprising:

An upper case (12);

A lower case (22);

A waterproof rib (55) formed of soft material located on a periphery of one of the cases;

A waterproof groove (56) formed of the soft material located on a periphery of the other of the cases;

The waterproof rib and the waterproof groove (55, 56) are coupled together to facilitate a waterproof coupling between the cases (12, 22).

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Regarding claims 2-3, 6, 8-13, the combination of Otake shows:

The waterproof groove (56);

The fan-shaped waterproof rib (55);

The soft material (11, 21) which covers a grip portion of upper and lower cases (12, 22);

The upper and lower cases (phone cases 12, 22) are formed of a hard resin material;

The soft material (11, 21) facilitates shock absorption;

The soft material (11, 21) comprises convexities (see speaker section, corners of the cases etc.);

The rib and the groove (55, 56) is formed integrally with the cases (12, 22, see figs 5 and 7).

ARGUMENT


4. In response to the remarks filed on 01-29-04, Yoshihiro and its combination are withdrawn, therefore, no further discussion is made regarding Yoshihiro. Applicant's argument is answered by present rejection, see comments above.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 703-305-4728. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jack Chiang
Primary Examiner
Art Unit 2642